

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PAUL A. TURNER,

Plaintiff,

v.

C. AMEZCUA, et al.,

Defendants.

No. 1:23-cv-01447-KES-CDB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION FOR FAILURE TO STATE A  
CLAIM AND FAILURE TO OBEY COURT  
ORDERS AND FAILURE TO PROSECUTE

Doc. 20

Plaintiff Paul A. Turner is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 8, 2024, the assigned magistrate judge issued a First Screening Order. Doc. 19. In the First Screening Order, the magistrate judge found that plaintiff had not pled cognizable claims. *Id.* at 10-12. However, the magistrate judge found that leave to amend was not futile and ordered plaintiff to, within 21 days, either (1) file a first amended complaint curing the deficiencies identified in the First Screening Order; or (2) file a notice of voluntary dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i). *Id.* at 12. In the First Screening Order, plaintiff was cautioned that failure to comply with the order could result in the dismissal of the case. More

1 than 21 days passed, and plaintiff failed to respond to the First Screening Order.

2 On August 19, 2024, the magistrate judge issued findings and recommendations to  
3 dismiss this action for plaintiff's failure to state a claim upon which relief may be granted and  
4 failure to obey court orders and to prosecute the action. Doc. 20. The findings and  
5 recommendations were served on plaintiff and provided notice that any objections were to be  
6 filed within fourteen (14). *Id.* at 4. Plaintiff has not filed objections and the time to do so has  
7 passed.

8 In accordance with 28 U.S.C. § 636 (b)(1), this court has conducted a de novo review of  
9 this case. Having carefully reviewed the file, the court finds the findings and recommendations to  
10 be supported by the record and by proper analysis.

11 Accordingly, it is HEREBY ORDERED that:

- 12 1. The findings and recommendations issued on August 19, 2024 (Doc. 20) are  
13 ADOPTED IN FULL;
- 14 2. Plaintiff's complaint is DISMISSED without prejudice for failure to state a claim  
15 and failure to obey court orders and prosecute this action; and
- 16 3. The Clerk of the Court is directed to CLOSE this case.

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19 IT IS SO ORDERED.

20 Dated: November 2, 2024

  
UNITED STATES DISTRICT JUDGE